



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 5, 2012

Mr. Ted Matz, Representative
Seminole Palms Homeowners Assn. Inc.
2400 Centrepark Dr. W., Suite 175
West Palm Beach, FL 33409

Subject: Request for Site Access
Touch of Class Dry Cleaners
6434 Lake Worth Road
Lake Worth, Florida
Comet Site ID # 49425

Dear Mr. Matz:

This is a request for property access to perform environmental site screening at your adjacent, (off-site) property. The purpose of the site screening is to continue to evaluate potential threat to human health or the environment that may be posed by current conditions at the subject property. The results of the site screening will be used to determine if the subject property should be further evaluated for possible listing on the National Priorities List (NPL), also known as Superfund. The Florida Department of Environmental Protection (FDEP) will conduct the site screening pursuant to its authority under Chapter 403, Florida Statutes and under the United States Environmental Protection Agency (EPA) Site Assessment Program.

The site screening is conducted in two phases. The first phase is a site reconnaissance by the FDEP, which was conducted on March 2, 2012. The reconnaissance included a walkover of the subject property, personnel interviews and observation/inspection of surrounding settings. No environmental samples are collected during this phase of the work.

Following the reconnaissance, a work plan will be developed that describes the types and locations of samples to be collected and the chemical analyses to be run. A copy of the work plan will be provided to you prior to the HOA board meeting. Implementation of the work plan does involve the collection of environmental samples.

The EPA requires site screening at all sites identified on or considered for EPA's CERCLIS database. This requirement is made under the authority of the

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Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986, Public Law 99-499.

The investigation planned at this site is being done independently from any enforcement or permit requirements normally addressed by our Southeast District office.

If requested, arrangements can be made for splitting samples; however, you would be responsible for providing sample bottles and subsequent analyses.

Please note that the property will not be significantly altered by the site screening and will be restored to its pre-existing condition. FDEP will notify you approximately one week in advance of the exact sampling date once we have a firm schedule.

I have enclosed the Abbreviated Preliminary Assessment (APA) report that provides information on this site. Also, enclosed for your review and signature is a form for permission to enter your off-site property, authorizing the FDEP to conduct the site screening. Please sign the form and return it to me via email brian.m.moore@dep.state.fl.us or fax, at 850-245-8976 or by regular mail by April 16, 2012.

Your assistance and cooperation in this process are greatly appreciated. If you should have any questions concerning this matter, please contact me at 850-245-8986, by email, or at the letterhead address.

Sincerely,

**Brian M.
Moore**

Digitally signed by Brian M. Moore
DN: cn=Brian M. Moore, o=FDEP, ou,
email=brian.m.moore@dep.state.fl.us, c=US
Date: 2012.04.05 09:44:15 -04'00'

Brian M. Moore
Environmental Specialist III
Program and Technical Support Section Bureau of Waste Cleanup

cc: Barbara Alfano, EPA-Atlanta
Ferda Yilmaz, Bureau of Waste Cleanup
Paul Wierzbicki, FDEP SE District

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMISSION TO ENTER PROPERTY

1. The undersigned property owner/representative ("undersigned") hereby gives permission to the State of Florida Department of Environmental Protection ("Department") and its agents and contractor to enter the undersigned's property ("the property") Seminole Palms Homeowners Assn. Inc., located at Seminole Palms Dr., Palm Beach County, Florida. Palm Beach County Property Appraiser Parcel Id. (PCN) is 18-42-44-27-30-003-0000.

2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents or contractors:

- a. The installation and sampling of monitor wells to characterize ground water quality.
- b. The collection of soil samples to determine site specific condition of soils present. The Department may perform additional activities with express permission from the undersigned.
- c. The Department may perform additional activities with express permission from the undersigned.

3. Upon completion of the investigation, the Department, its agents or contractors will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.

4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned's successors and assigns for any contamination discovered on the property.

5. The Department, its agents or contractors may enter the property upon reasonable notice, during normal business hours, will not disturb normal business operations and may also make special arrangements to enter the property at other times with express permission from the undersigned.

6. The undersigned shall not be liable for any injury, damage or loss on the property suffered by the Department, its agents or employees which is not caused by the negligence or intentional acts of the undersigned's agents or employees.

7. The Department will not take enforcement action for cleanup or for cost recovery against an owner of property where pollutants have migrated from sources outside of the property provided that the owner did not cause, contribute to, or exacerbate the release or discharge; the person causing the release is not contractually related to the owner; and the owner is not alternatively liable as a generator or transporter, or as owner/operator of the source. This policy extends to the adjacent property owner's (i.e., the contaminated non-source property owner) successors and lenders. See §376.308, Florida Statutes.

8. The Department acknowledges and accepts its responsibility under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.

9. The undersigned authorizes the Department to act as their agent in signing DEP Form 62-532.900(1) F.A.C. for the purpose of obtaining applicable permits related to the installation of monitor wells. The Department accepts responsibility under Chapter 373 Florida Statutes to maintain or properly abandon monitor wells installed pursuant to this agreement.

(*PLEASE SIGN REVERSE SIDE*)

(Signature of Undersigned)

(Signature of Witness)

Print Name

Date

Print Name

Date

Accepted by the State of Florida Department of Environmental Protection by the following authorized agent:

(Signature of Undersigned)

(Signature of Witness)

Print Name

Date

Print Name

Date